

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

REY DAVID FULCAR,

Defendant

) Criminal No. 23cr10053

) Violations:

) Count One: Felon in Possession of
) Firearm and Ammunition
) (18 U.S.C. § 922(g)(1))

) Counts Two and Three: Possession of
) Controlled Substances with Intent to Distribute
) (21 U.S.C. § 841(a)(1))

) Firearm Forfeiture Allegation:
) (18 U.S.C. § 924(d) & 28 U.S.C. § 2461(c))

) Drug Forfeiture Allegation:
) (21 U.S.C. § 853)

INDICTMENT

COUNT ONE

Felon in Possession of Firearm and Ammunition
(18 U.S.C. § 922(g)(1))

The Grand Jury charges:

On or about July 23, 2022, at Quincy, in the District of Massachusetts, the defendant,

REY DAVID FULCAR,

knowing that he was previously convicted in a court of a crime punishable by imprisonment for a term exceeding one year, did knowingly possess, in and affecting commerce, a firearm and ammunition, that is, a Ruger, model LCP, .380 Auto caliber, semi-automatic pistol bearing serial number 370011884, and seven .380 Auto caliber cartridges.

All in violation of Title 18, United States Code, Section 922(g)(1).

COUNT TWO

Possession with Intent to Distribute Controlled Substances
(21 U.S.C. § 841(a)(1))

The Grand Jury further charges:

On or about July 23, 2022, at Boston, in the District of Massachusetts, the defendant,

REY DAVID FULCAR,

did knowingly and intentionally possess with intent to distribute substances containing detectable amounts of N-phenyl-N- [1-(2-phenylethyl)-4-piperidinyl] propanamide, also known as fentanyl, and cocaine, Schedule II controlled substances.

All in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

COUNT THREE

Possession with Intent to Distribute Controlled Substances
(21 U.S.C. § 841(a)(1))

The Grand Jury further charges:

On or about July 23, 2022, at Quincy, in the District of Massachusetts, the defendant,

REY DAVID FULCAR,

did knowingly and intentionally possess with intent to distribute substances containing detectable amounts of N-phenyl-N- [1-(2-phenylethyl)-4-piperidinyl] propanamide, also known as fentanyl, and cocaine, Schedule II controlled substances.

All in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

FIREARM FORFEITURE ALLEGATION
(18 U.S.C. § 924(d)(1) and 28 U.S.C. § 2461(c))

The Grand Jury further finds:

1. Upon conviction of the offense in violation of Title 18, United States Code, Section 922(g)(1), set forth in Count One, the defendant,

REY DAVID FULCAR,

shall forfeit to the United States, pursuant to Title 18, United States Code, Section 924(d)(1), and Title 28, United States Code, Section 2461(c), any firearm or ammunition involved in or used in any knowing commission of the offense. The property to be forfeited includes, but is not limited to, the following:

- a. a Ruger, model LCP, .380 Auto caliber, semi-automatic pistol bearing serial number 370011884; and
- b. seven .380 Auto caliber cartridges.

2. If any of the property described in Paragraph 1, above, as being forfeitable pursuant to Title 18, United States Code, Section 924(d)(1), and Title 28, United States Code, Section 2461(c), as a result of any act or omission of the defendant --

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty;

it is the intention of the United States, pursuant to Title 28, United States Code, Section 2461(c), incorporating Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the property described in Paragraph 1 above.

All pursuant to Title 18, United States Code, Section 924, and Title 28, United States Code, Section 2461.

DRUG FORFEITURE ALLEGATION
(21 U.S.C. § 853)

The Grand Jury further finds:

3. Upon conviction of one or more of the offenses in violation of Title 21, United States Code, Section 841(a)(1), set forth in Counts Two and Three, the defendant,

REY DAVID FULCAR,

shall forfeit to the United States, pursuant to Title 21, United States Code, Section 853, any property constituting, or derived from, any proceeds obtained, directly or indirectly, as a result of such offenses; and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such offenses. The property to be forfeited includes, but is not limited to, the following assets:

a. \$1,141 in United States currency seized on July 23, 2022.

4. If any of the property described in Paragraph 3, above, as being forfeitable pursuant to Title 21, United States Code, Section 853, as a result of any act or omission of the defendant --

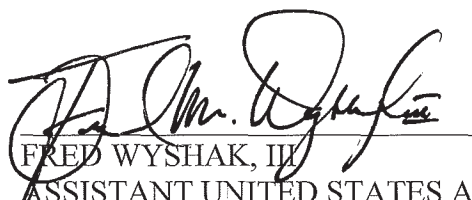
- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty;

it is the intention of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the property described in Paragraph 3 above.

All pursuant to Title 21, United States Code, Section 853.

A TRUE BILL


FOREPERSON


FRED WYSHAK, III
ASSISTANT UNITED STATES ATTORNEY
DISTRICT OF MASSACHUSETTS

District of Massachusetts: March 1, 2023

Returned into the District Court by the Grand Jurors and filed.

/s/ Thomas F. Quinn Jr. 3/1/23 @ 3:57pm
DEPUTY CLERK